

A. G. Contract No. KR96 2544TRN
ADOT ECS File No.: JPA 96-167
Project: F-025-2-518/H4479 01C
Section: Old SR-89 S. of Paulden

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
YAVAPAI COUNTY, ARIZONA

THIS AGREEMENT is entered into 7 APR 11, 1997,
pursuant to Arizona Revised Statutes, Sections 11-951 through 11-
954, as amended, between the STATE OF ARIZONA, acting by and
through its DEPARTMENT OF TRANSPORTATION (the "State") and
YAVAPAI COUNTY, ARIZONA, acting by and through its BOARD OF
SUPERVISORS (the "County").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes
Section 28-108 to enter into this agreement and has by
resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has delegated
to the undersigned the authority to execute this agreement on
behalf of the State.

2. The County is empowered by Arizona Revised Statutes
Section 11-251 to enter into this agreement and has by
resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has authorized
the undersigned to execute this agreement on behalf of the
County.

3. As part of a previous State highway safety project the
State realigned a portion of SR-89 south of Paulden, Arizona.
The County and the State desire to improve the roadway, at an
estimated cost of \$25,000.00, all at State expense, and transfer
ownership of the roadway, structures and right-of-way east of the
present SR-89 to the County, hereinafter referred to as the
Project.

THEREFORE, in consideration of the mutual agreements expressed
herein, it is agreed as follows:

NO. <u>21478</u>
FILED WITH SECRETARY OF STATE
Date Filed <u>04/07/97</u>
<u>Gene Lee Hull</u> Secretary of State
By <u>Vicky Greenwald</u>

II. SCOPE OF WORK

1. The County will:

a. Provide design plans, specifications and such other documents required to accomplish the Project.

b. Accomplish the Project with County forces and equipment, or, call for bids and award one or more construction contracts for the Project. Administer same and make all payments to the contractor(s). Be responsible for any contractor claims for extra compensation due to delays or whatever reason.

c. Upon approval and by resolution of the State Transportation Board, accept jurisdiction and maintenance responsibility for the Project. Waive the four year advance notification requirements of Arizona Revised Statute 28-106.

1. The State will:

Upon receipt of an invoice, pay the County \$25,000.00 to accomplish the Project improvements. Upon completion of the Project improvements by the County and expenditure of the funds, and upon approval and by resolution of the State Transportation Board, abandon jurisdiction and maintenance responsibility for the roadway, generally as shown on exhibit A, which is attached hereto and made a part hereof, to the County.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said Project and abandonment; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to the award of a Project construction contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

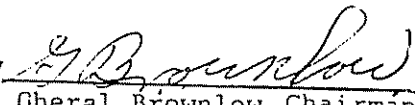
Yavapai County
County Administrator
1015 Fair Street
Prescott, AZ 86301

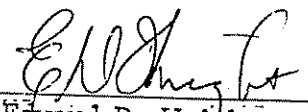
7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.


YAVAPAI COUNTY, ARIZONA

STATE OF ARIZONA
Department of Transportation

By 
Gheral Brownlow, Chairman
Board of Supervisors

By 
Edward D. Wright
Deputy State Engineer

ATTEST

By 
BEVERLY STADDON
Clerk of the Board



ARIZONA DEPARTMENT OF TRANSPORTATION

INTERMODAL TRANSPORTATION DIVISION
ENGINEERING CONSULTANTS SECTION
205 South 17th Avenue - Room 293E, Mail Drop 616E
Phoenix, Arizona 85007



JANE DEE HULL
Governor

THOMAS G. SCHMITT
State Engineer

LARRY S. BONINE
Director

DATE: 10 OCT
TO: Jim Redpath FAX NUMBER: _____
FROM: JACH TELEPHONE: _____

Total number of pages sent (including this page): _____

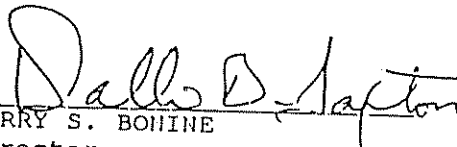
The FAX number for Engineering Consultants Section is (602) 255-7424. ECS is located at 205 South 17th Avenue, Room 293, Mail Drop 616E, Phoenix, Arizona 85007.

Additional Comments: _____

RESOLUTION

BE IT RESOLVED on this 28th day of October 1996, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with Yavapai County for the purpose of defining responsibilities for the construction of highway improvements to old US-89 South of Paulden and the turn-back thereof to the County.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Deputy State Engineer for approval and execution.


for LARRY S. BONINE
Director

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OFFICE OF BOARD OF SUPERVISORS
YAVAPAI COUNTY, ARIZONA

MINUTES

Prescott, Arizona

February 18, 1997

Present: Gheral Brownlow, Chairman; Bill Feldmeier, Vice Chairman; Chip Davis, Member; Bev Staddon, Clerk.

ITEM NO 1 Board members meet in parking lot of County Administration Building, Prescott, and travel to Yavapai County Cottonwood Annex, Cottonwood, Arizona.

ITEM NO. 2. Convene in Hearing Room, Yavapai County Cottonwood Annex, Cottonwood, Arizona

1. Approve minutes of meeting of February 3, 1997. County Administrator Jim Holst and Public Works Director Richard Straub participated in discussion. Approved by unanimous vote, as corrected, upon a motion by Supervisor Feldmeier, seconded by Supervisor Davis. Brief discussion about minute entries regarding the regional landfill site and the need for the City of Prescott to commit to relocating the site in conjunction with its plans for a Highway 69-89 connector road. Chairman Brownlow asked Mr. Holst to send a letter to the city.
2. Bids to purchase property pursuant to A.R.S. §42-472, all of which were held in abeyance February 3, 1997: All bids approved, upon a motion by Supervisor Davis, seconded by Supervisor Feldmeier. On the advice of Board Attorney/Assistant Administrator Dave Hunt, there was no call for other bids because such a call was made at the February 3, 1997, meeting, at which time there was no response.
 - a. Theresa Poh, 301-42-107, Lot 3484, Bridge Canyon Unit 17, \$361.65; 301-38-076, Lot 2141, Bridge Canyon Unit 10, \$373.18; 301-24-060, Lot 2384, Bridge Canyon Unit 12, \$981.57.
 - b. Dave Pardun, 301-37-152, Lot 2029, Bridge Canyon Unit 9, \$373.18; 301-45-060, Lot 4047, Bridge Canyon Unit 20, \$373.18; 301-36-220, Lot 1801, Bridge Canyon Unit 8, \$860.47.
 - c. Bill and Donna Cuff, 301-37-151, Lot 2028, Bridge Canyon Unit 9, \$686.30.
 - d. Kevin Workman, 301-37-085, Lot 1962, Bridge Canyon Unit 9, \$365; 301-48-244, Lot 5298, Bridge Canyon Unit 24, \$590; 301-43-078, Lot 2626, Bridge Canyon Unit 14, \$607.
3. Bids to purchase property pursuant to A.R.S. §42-472: Upon a motion by Supervisor Feldmeier, seconded by Supervisor Davis, the Board voted unanimously to approve both bids. There was no response to a call for other bids.
 - a. Kevin Workman, 301-19-149, Lot 449, Bridge Canyon Estates Unit 3, \$780.
 - b. Diane Barrer, 301-25-086, Lot 659, Bridge Canyon Estates Unit 4, \$760.
4. Consider approval of items appearing on Consent Agenda and on Consent Agenda for Special Districts. Items 1(a) and 9 under Consent Agenda, and Items 2(a) and 3(a),(b) and (c) under Consent Agenda for Special Districts pulled for discussion. All other items approved by unanimous vote, upon a motion by Supervisor Davis, seconded by Supervisor Feldmeier, and with no comment from the public.

ITEM NO 3 Resolve into Board of Directors of Pine Valley Street Improvement District Reference: Special district minutes.

- 1 Approve minutes of meeting of January 21, 1997

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2. Conduct public hearing upon objections received relating to the legality of the assessment or any of the previous proceedings.
 3. Pass upon all objections and modify assessment as appropriate.
 4. Consider adoption of resolution approving assessment.
- ITEM NO. 4. Resolve into Board of Supervisors. Public Works Director Richard Straub. All items presented by Mr. Straub.
1. Hearing: Consider establishing portion of Beaver Creek Road in the Lake Montezuma area as a County highway. Resolution No. 1639 Establishing a Portion of Beaver Creek Road as a County Highway was approved by unanimous vote, upon a motion by Supervisor Davis, seconded by Supervisor Feldmeier. No comments from the public.
 2. Discussion and possible adoption of revisions to Resolution 460 regarding minimum standards for the design and construction of all streets in Yavapai County. Planning & Building Director Mike Rozycki participated in discussion. Mr. Straub said that concerns of local engineers had been addressed, and that he would come back to the Board later with an amendment regarding turn lanes. Supervisor Davis referred to Section E(1)(A) regarding deviations from standards, requesting that the phrase "where time allows" be stricken from any amendments to the resolution. Upon a motion by Supervisor Davis, seconded by Supervisor Feldmeier, and with no comments from the public, the Board voted unanimously to approve Resolution No. 1036, Minimum Standards for the Design, All Construction, and Paving of All Streets and Alleys, and the Installation of Utilities Within Public and Private Rights of Way in Yavapai County, Arizona.
 3. Consider approval of intergovernmental agreement with ADOT to accept ownership of Highway 89 south of Paulden and improve roadway at state expense (\$25,000). Board Attorney/Assistant Administrator Dave Hunt participated in discussion. Mr. Straub said that this portion of (old) Highway had been abandoned to the County by the State of Arizona some 20 years ago, but that paperwork had never been completed and the County had never accepted the road. The \$25,000 contribution from ADOT will be used to repair the concrete handrail on the bridge over the Verde River, which is otherwise in good condition. There was brief discussion about ADOT's ability to abandon roads, thereby leaving the County liable for them. Upon a motion by Supervisor Feldmeier, seconded by Supervisor Davis, and with no comments from the public, the Board voted unanimously to approve this IGA.
 4. Request to extinguish by Board resolution an ingress/egress easement to the public on a portion of Sugarloaf Road (aka Chicken Ranch Road), Cornville area, and request to accept an ingress/egress easement for a portion of Sugarloaf Road into the County road system (not for maintenance). Verde Valley resident Esther Talbert participated in the discussion. After review of maps and clarification from Ms. Talbert regarding access to an adjacent parcel, Supervisor Davis moved to approve this request, including Resolution No. 1037, Sugarloaf Road, Easement Extinguishment. Supervisor Feldmeier seconded the motion after clarifying that the County was not being asked to maintain this road. Vote was unanimous. No comments from the public.
 5. Request to hire outside survey crews to assist with heavy workload, not to exceed \$10,000. Upon a motion by Supervisor Feldmeier, seconded by Supervisor Davis, the Board voted unanimously to approve this request following Mr. Straub's statement that additional crews were necessary in order to keep up with projects. No comments from the public.

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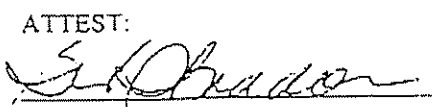
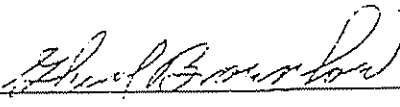
Granite Gdns SA	178.00	DV Rd Imp Dst #2	3480.00
Pres East San	901.88	Flood Control	80,460.99
Selignan San Di	42.20	Library Dist	6852.33
Capital Proj	40,339.50		

In addition, payroll was issued on February 18, 1997, for the pay period ending February 8, 1997, warrant numbers 25338006 through 25338015; 25338019 through 25338562, in the amount of \$328,862.89. Jury certificates were also issued, warrant numbers 828421 through 828579; 828583 through 828638.

An itemized list of the above-numbered claims is filed in the official record of the meeting of the Yavapai County Board of Supervisors' minute book 271

There being no further business to discuss, the meeting was adjourned.

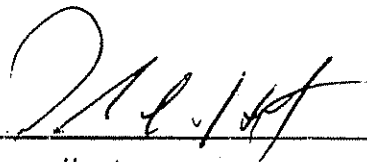
ATTEST:

 Clerk  Chairman

APPROVAL OF THE YAVAPAI COUNTY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and YAVAPAI COUNTY and declare this agreement to be in proper form and within the powers and authority granted to the County under the laws of the State of Arizona.

DATED this 18th day of February, 1997.



Dave Hunt
County Attorney



GRANT WOODS
ATTORNEY GENERAL

STATE OF ARIZONA
OFFICE OF THE ATTORNEY GENERAL
1275 WEST WASHINGTON, PHOENIX 85007-2926

TRN Main: (602) 542-1680
Direct: (602) 542-8837
Fax: (602) 542-3646
MAIN PHONE : 542-5025
TELECOPIER : 542-4085

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR96-2544TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED April 1, 1997.

GRANT WOODS
Attorney General

JAMES R. REDPATH
Assistant Attorney General
Transportation Section